

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TOUCHPOINT SOLUTIONS, INC.,

Plaintiff,

vs.

EASTMAN KODAK COMPANY,

Defendant.

C.A. No. 04-11014 NMG

AFFIDAVIT OF ROBERT B. CALIHAN

I, Robert B. Calihan, having been duly sworn, depose and say as follows:

1. I am a partner with the law firm of Nixon Peabody LLP, resident in Rochester, New York. This affidavit is respectfully submitted in support of the accompanying Motion, filed pursuant to Local Rule 83.5.3, seeking my admission to practice before the Court in the above-captioned case.

2. I am a member in good standing of the bars of the State of New York, the U.S. District Courts for the Eastern, Southern and Western Districts of New York, and the U.S. Court of Appeals for the Second Circuit (the jurisdictions where I have been admitted to practice).

3. There is no disciplinary proceeding pending against me as a member of the bar in any jurisdiction.

4. I am familiar with the Local Rules of this Court.

5. This application, pursuant to Local Rule 83.5.3, is made so that I may appear on behalf of the defendant Eastman Kodak Company.

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Affidavit of Robert B. Calihan (cont'd)

I declare under the penalty of perjury that the foregoing is true and accurate.

Executed on this 18th day of August, 2004.

Robert B. Calihan
Robert B. Calihan

Sworn to before me this 18th day of August, 2004

Bernadette J. Tuttle
Notary Public

My Commission Expires: 6/30/06

BERNADETTE J. TUTTLE
Notary Public, State of New York
Reg. #01TU4683750
Qualified in Monroe County
Certificate Filed in Monroe County
Commission Expires June 30, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was
served upon the attorney of record for each other party
by mail (by hand) on 8/18/04

ALL - 8/18/04